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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/840,477      | 04/23/2001  | Richard N. Cameron   | 426882000300        | 5743             |

29638 7590 08/12/2005

BANNER & WITCOFF AND ATTORNEYS FOR ACCENTURE  
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 CHICAGO, IL 60606

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| EXAMINER |
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JASMIN, LYNDIA C

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| ART UNIT | PAPER NUMBER |
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3627

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/840,477

Applicant(s)

CAMERON ET AL.

Examiner

Lynda Jasmin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on May 6, 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Amendment received May 06, 2005 has been acknowledged.

#### ***Specification***

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Applicants are further reminded that the specification should set forth the Background of the Invention in two parts:

Field of the Invention: A statement of the field of art to which the invention pertains. This item may also be titled "Technical Field."

Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."

Applicants description of Additional Technical Background is lengthy and contents pictures that cannot be properly reproduced.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 2, 4-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shore (2003/0149662 A1) in view of Johnson (6,535,726).

Shore discloses a computer implemented method and system for reverse-control of a wireless mobile device (700) embodied in a computer readable medium to perform the steps of:

providing a vendor/product device with a computer platform (via point of purchase/sale terminal 710) coupled to a wireless transmission channel port (box [0085]); and transmitting from the vendor device (710) via the wireless transmission channel port (via short range data transmission) to a compatible wireless transmission channel port on a wireless mobile device (box [0109]).

Shore further discloses the step of causing the wireless mobile device (3104) to interact wirelessly with the vendor device (3407) and a related micropayments accounting system (via micropayment system box [0470]). The interaction with the related micropayments accounting system will cause the vendor device to provide a product or service to the holder of the wireless mobile device (via approval of transaction using micropayment account 3203).

Shore further discloses the interaction with a related micropayments accounting system will cause a charge to be made to the account of the holder of the wireless mobile device (box [0455]), and/or a charge to be made to the account of the holder of the wireless mobile device produces a debit to a prepaid digital account or aggregates the debit with other current debits to be billed to the account holder at month end (box [482] via settlement procedures as per contractual agreements.

Shore however fails to explicitly disclose a program to take control of the wireless mobile device's menuing, interaction and display functions, and taking control of the wireless mobile device when the wireless mobile device enters a range of the product device.

Johnson discloses the concept of processing transaction using cellular telephone-based. Johnson discloses an in-kiosk device (IKD) 130 supplements a POS 110. In this embodiment, the POS 110 is simplified because the systems required to interface with the customer cellular telephone 140 and the supporting cellular network 160 are included in the IKD 130. The communications link between the POS 110 and the IKD 130 may comprise any suitable physical

connection and protocol. In the preferred embodiment, the communications link comprises an industry-standard EIA-232 link. Alternate embodiments may advantageously employ newer, higher-speed standards such as a universal-serial-bus (USB) connection.

In a preferred embodiment, Johnson discloses the supporting cellular network 160 is adapted to provide billing services for retail transactions. A customer places their cellular telephone 140 proximate the IKD 130 where upon the IKD 130 transfers select site information to the cellular telephone 140 via its local communications interface 184. The IKD 130 may be adapted to recognize whether a given cellular telephone 140 is associated with an approved supporting cellular network 160. With this adaptation, the IKD 130 notifies a customer if their cellular telephone 140 is unable to conduct a retail transaction. The IKD 130 provides such notice on its display 188. Alternatively, the IKD 130 transmits a message containing such notice to the cellular telephone 140 for display to the customer. Further, the IKD 130 would prompt the customer to utilize alternate payment means.

From this teaching of Johnson, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wireless information transfers of Shore to include a program that takes control of a user's mobile device and to cause the user's mobile device to automatically a number transferred from a product dispenser in order to authorized a purchase transaction.

The Shore and Johnson combination discloses a ticket server and/or a fuel-dispensing device, and fails to directly disclose the vending machine being a drink, cigarette, copy, food and parking meter vending machine. "The Examiner takes Official Notice that is old and well known in the art." Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Shore and Johnson to include the following drink, cigarette, copy, food and parking meter vending machine to communicate with the mobile device in order to facilitate purchase transaction.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1, 2 and 4-39 have been considered but are moot in view of the new ground(s) of rejection.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kobayashi, Rasanen et al., Grube et al., Yuen, McGarry et al., Verkama, Hayes, Jr. et al., Lee, Matsui et al. and Higashino et al. are cited for disclosing portable terminal in communication with product device for transaction purposes.

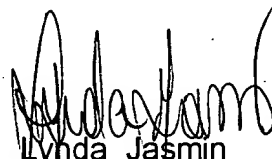
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (571) 272-6782. The examiner can normally be reached on Monday- Friday (9:30-6:00) with Thursday Telework.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771.

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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lynda Jasmin  
Primary Examiner  
Art Unit 3627

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